

**Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of:	)	
	)	
2002 Biennial Regulatory Review –	)	MB Docket No. 02-277
Review of the Commission’s Broadcast	)	
Ownership Rules and Other Rules	)	
Adopted Pursuant to Section 202 of the	)	
Telecommunications Act of 1996	)	

To: The Commission

**COMMENTS OF TV-TURNOFF NETWORK**

TV-Turnoff Network herewith submits the following comments in the above-captioned proceeding. As the Commission undertakes this fundamental review of its broadcast ownership regulations, TV-Turnoff Network requests the Commission to require all TV broadcast stations to run announcements reminding the viewing public that excessive television-viewing has negative health, academic, and other consequences for children, and that parents and guardians retain and should exercise their First Amendment right and ability to turn off their television sets and limit their children’s viewing time. In support, TV-Turnoff Network shows as follows:

## **TV-TURNOFF NETWORK**

1. TV-Turnoff Network was founded in 1994. The organization is dedicated to the belief that all Americans have the power to determine the role that television plays in their lives. TV Turnoff Network encourages children and adults to watch less television in order to promote healthier lives and communities. TV-Turnoff Network has helped millions of Americans turn off their television sets and reclaim time for their families, friends and themselves.

2. TV-Turnoff Network is a grassroots project. More than 65 national organizations, including the American Medical Association, the National Education Association, and the American Academy of Pediatrics, support or endorse the work of TV-Turnoff Network. TV-Turnoff Network garners the majority of its funding from memberships and individual donations and from sales of its products. TV Turnoff Network receives no government funding.

3. The organization's flagship event is TV-Turnoff Week, which has taken place annually since 1995. In 2002, an estimated 6.4 million children and adults took part in some 16,000 organized Turnoff events. Many of those participants have made long-term changes in their viewing habits, by watching much less TV and by watching more selectively. TV-Turnoff Week 2003 will take place April 21-27, 2003.

4. TV-Turnoff Network also works to raise public awareness about the negative impact of excessive television viewing. TV-Turnoff Network works with the media, distributes fact sheets, and communicates directly with the public. As a result, TV-Turnoff Network has helped shift the national debate away from concerns about the content of TV toward an understanding that breaking free of TV is a fun, liberating and enriching experience.

5. TV-Turnoff Network focuses its efforts in particular on changing the behaviors of children in the grammar school ages by working with the adults who interact with them. Our aim is for children to watch less television, to read and exercise more, and to choose what they do watch more selectively.

### **CONTENT NEUTRAL REGULATION**

6. The Commission's multiple ownership rules have historically served as content-neutral, structural restraints on the broadcast industry. Over the past several decades, the multiple ownership rules have precluded, or at least lessened, the need for extensive program content regulation by the federal government. As the Commission notes in the Notice of Proposed Rulemaking herein, diversification of ownership of media encourages diversity of viewpoints in the programming broadcast over the public's airwaves. *NPRM at Para. 30*. Furthermore, as the Commission also notes, the structural multiple ownership rules

help “promote the First Amendment interests of consumers of the electronic media.” *Id.*

7. Looking back over the past several decades of broadcast regulation, the content-neutral structural safeguards have steadily evolved. At one time, a broadcaster could own only seven (7) television stations in the entire country, no more than one of which could be in the same market. Today, a broadcaster can own far more television stations, including two in some markets.

8. Under Section 202(h) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, Congress has directed the Commission, as part of “regulatory reform review,” to review its multiple ownership rules to determine whether they are “necessary in the public interest as a result of competition,” and to “repeal or modify any regulations it determines to be no longer in the public interest.” The NPRM herein was adopted and released in response to that Congressional directive. The regulatory review proposed herein is unquestionably mandated and appropriate. It constitutes simply the latest chapter in the history of a changing, and now mature, industry.

9. The Commission has invited comment on proposals that might further significantly change, if not eliminate altogether, some or all of the current structural multiple ownership rules. The Commission has invited comment on

elimination of the TV-radio limitation, the TV-newspaper limitation, the local TV limitation, and the national TV limitation.

10. TV-Turnoff Network does not take a position with respect to retaining, modifying or eliminating the existing rules. TV-Turnoff Network recognizes that the thrust of the regulatory history has been the steady contraction – looking toward the elimination – of the structural multiple ownership rules, a lightening of the regulatory load imposed on the industry. Unquestionably the TV broadcast industry has changed, and re-examination of regulation is desirable, if not necessary. Nevertheless, the fact of the matter is that the structural safeguards that shielded the broadcast industry and the viewing public from heavy-handed program-content regulation by the government have faded and may soon disappear. The development of alternative forms of electronic entertainment (e.g. cable, digital, satellite, home electronics, the Internet, etc.) do not necessarily offset equally the elimination of the structural safeguards, given the dominant role played by over-the-air television and the concentration of ownership across industry lines.

11. It is clear that deregulation of an industry, as has been the trend in previous Commission initiatives, is most effective when there exist adequate safeguards to promote responsible corporate behavior and when the viewing public has full access to the information necessary to be informed consumers. No

content-neutral proposals have been advanced – until now – to replace the withered multiple ownership rules.

12. On average, American school children spend more time in front of the television set each year than they do in the classroom. Numerous studies, including federal documents, such as the National Assessment of Educational Progress and former US Surgeon General David Satcher’s “Call to Action on Overweight and Obesity,” make clear that watching excessive amounts of television has negative consequences for children, including undermining academic achievement, promoting obesity and sedentary lifestyles, and possibly contributing to violence and anti-social behaviors.

13. Numerous organizations, including the American Academy of Pediatrics (AAP), National Education Association, Family Research Council, Big Brothers/Big Sisters, and more have supported TV-Turnoff Week. The AAP has suggested that children under two years of age should watch no television and that older children should watch no more than one to two hours daily.

14. Section 551(a)(1) of the Telecommunications Act of 1996 recognizes that “television influences children’s perception of the values and behavior that are common and acceptable in society.” Section 551(a)(8) continues, “there is a compelling governmental interest in empowering parents to limit the negative

influences of video programming that is harmful to children.”<sup>1</sup> The Commission’s own rules recognize the special needs of the child viewer, by imposing commercial limits and by imposing the obligation on TV broadcasters to provide educational and informational programming for children. 47 CFR §§ 73.670 and 73.671.

15. Given that the historical trend towards the removal of structural limitations on the ownership of television stations not only lightens the load imposed on the television industry, but also removes certain important protections of the public interest; that this removal therefore requires that the public have full and accurate information about the choice not only of what to watch but whether to watch television; and that the Commission is the representative of the public and arbiter of the public interest in these proceedings, it behooves the Commission to ensure that the viewing public is aware of the impacts of excessive television viewing on children and cognizant that simply turning off the television set altogether is a valid and oftentimes proper parenting decision, as well as an expression of consumers’ First Amendment rights to reject programming that they may find tasteless or offensive, or simply in favor of alternative activities.

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<sup>1</sup> The Federal Trade Commission recognized the risks for children exposed to violent entertainment, in its September 2000 Report *Marketing Violent Entertainment to Children: A Review of Self-Regulation and Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries*.

WHEREFORE, TV-Turnoff Network requests that, concurrent with the changes in its structural multiple ownership rules, the Commission adopt a regulation that requires all TV broadcast stations to run periodic announcements throughout the broadcast week and in all dayparts reminding viewers that excessive television-viewing has negative health, academic, and other consequences for children and that parents and guardians retain and should exercise their First Amendment right and ability to turn off their television sets and limit their children's viewing time.

Respectfully Submitted,

**TV-TURNOFF NETWORK**

By: /s/Frank Vespe  
Frank Vespe  
Executive Director

Suite 303  
1601 Connecticut Avenue, NW  
Washington, DC 20009  
202-518-5556  
202-518-5560 (FAX)  
[www.tvturnoff.org](http://www.tvturnoff.org)

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